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to be dangerously flammable when worn by individuals. The importer agrees to maintain the records required by 16 CFR 1610.39(c)(1).

(3) The importer, if requested to do so by the Bureau of Customs, furnishes an adequate specific-performance bond conditioned upon the complete discharge of the obligations assumed in paragraphs (c) (1) and (2) of this section.

NOTE: The purpose of section 11(c) is only to permit articles of wearing apparel or textile fabrics which are dangerously flammable to be shipped or delivered for shipment in commerce for the purpose of treatment or processing to render them not dangerously flammable. Section 11(c) does not in any other respect limit the force and effect of sections 3, 6, 7, and 9 of the act. In particular, section 11(c) does not authorize the sale or offering for sale of any article of wearing apparel or textile fabric which is in fact dangerously flammable at the time of sale or offering for sale, even though the seller intends to ship the article for treatment prior to delivery to the purchaser or has already done so. Moreover, under section 3 of the act a person is liable for a subsequent sale or offering for sale if, despite the purported completion of treatment to render it not dangerously flammable, the article in fact remains dangerously flammable.

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)

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SOURCE: 40 FR 59903, Dec. 30, 1975, unless otherwise noted.

Subpart A—The Standard

AUTHORITY: Sec. 429, Pub. L. 105-276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569-570; 15 U.S.C. 1193.

§ 1615.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (15 U.S.C. 1191), the following definitions apply for purposes of this Standard:

(a) *Children's Sleepwear* means any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping, except:

(1) Diapers and underwear;

(2) "Infant garments," as defined by section 1615.1(c), below; and

(3) "Tight-fitting garments," as defined by section 1615.1(o), below.

(b) *Size 6X* means the size defined as 6X in Department of Commerce Voluntary Product Standard, previously identified as Commercial Standard, CS 151-50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children."¹

(c) *Infant garment* means a garment which:

(1) Is sized nine months or smaller;

(2) If a one-piece garment, does not exceed 64.8 centimeters (25.75 inches) in length; if a two-piece garment, has no piece exceeding 40 centimeters (15.75 inches) in length;

(3) Complies with all applicable requirements of the Standard for the Flammability Clothing Textiles (16 CFR part 1610) and the Standard for the Flammability Vinyl Plastic Film (16 CFR part 1611); and

¹Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151, and should be ordered as CS 15150.

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(4) Bears a label stating the size of the garment, expressed in terms of months of age. For example, "0 to 3 mos." or "9 mos." If the label is not visible to the consumer when the garment is offered for sale at retail, the same information must appear legibly on the package of the garment.

(d) *Item* means any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear.

(e) *Trim* means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(f) *Test Criteria* means the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

(g) *Char Length* means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in § 1615.4 *Test procedure* to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in § 1615.4(g)(2).

(h) [Reserved]

(i) *Afterglow* means the continuation of glowing of parts of a specimen after flaming has ceased.

(j) *Fabric Piece* (Piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(k) *Fabric Production Unit* (Unit) means any quantity of finished fabric up to 5,000 linear yards for normal sampling or 10,000 linear yards for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in § 1615.4(b). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing steps as a fabric except for slitting.

(l) *Garment Production Unit* (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except for size, trim, findings, color, and print patterns as specified in § 1615.4(b).

(m) *Sample* means five test specimens.

(n) *Specimen* means an 8.9 × 25.4 cm. (3.5 × 10 in.) section of fabric. For garment testing the specimen will include a seam or trim.

(o) Tight-fitting garment means a garment which:

(1)(i) In each of the sizes listed below does not exceed the maximum dimension specified below for the chest, waist, seat, upper arm, thigh, wrist, or ankle:

| | Chest | Waist | Seat | Upper arm | Thigh | Wrist | Ankle |
|-----------------------|-----------------------------------|-----------------------------------|------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|
| Size 9–12 mos | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 48.3 | 48.3 | 48.3 | 14.3 | 26.7 | 10.5 | 13 |
| (inches) | (19) | (19) | (19) | (5 ⁵ / ₈) | (10 ¹ / ₂) | (4 ¹ / ₈) | (5 ¹ / ₈) |
| Size 12–18 mos | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 49.5 | 49.5 | 50.8 | 14.9 | 28.3 | 10.5 | 13.1 |
| (inches) | (19 ¹ / ₂) | (19 ¹ / ₂) | (20) | (5 ⁷ / ₈) | (11 ¹ / ₈) | (4 ¹ / ₈) | (5 ¹ / ₈) |
| Size 18–24 mos | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 52.1 | 50.8 | 53.3 | 15.6 | 29.5 | 11 | 13.6 |
| (inches) | (20 ¹ / ₂) | (20) | (21) | (6 ¹ / ₈) | (11 ⁵ / ₈) | (4 ¹ / ₄) | (5 ³ / ₈) |
| Size 2 | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 52.1 | 50.8 | 53.3 | 15.6 | 29.8 | 11.4 | 14 |

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| | Chest | Waist | Seat | Upper arm | Thigh | Wrist | Ankle |
|--------------------|-------|-------|-------|-----------|-------|-------|-------|
| (inches) | (20½) | (20) | (21) | (6⅙) | (11¾) | (4½) | (5½) |
| Size 3 | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 53.3 | 52.1 | 56 | 16.2 | 31.4 | 11.7 | 14.9 |
| (inches) | (21) | (20½) | (22) | (6⅝) | (12⅜) | (4⅝) | (5⅞) |
| Size 4 | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 56 | 53.3 | 58.4 | 16.8 | 33.0 | 12.1 | 15.9 |
| (inches) | (22) | (21) | (23) | (6⅞) | (13) | (4¾) | (6¼) |
| Size 5 | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 58.4 | 54.6 | 61.0 | 17.5 | 34.6 | 12.4 | 16.8 |
| (inches) | (23) | (21½) | (24) | (6⅞) | (13⅝) | (4⅞) | (6⅝) |
| Size 6 | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 61.0 | 55.9 | 63.5 | 18.1 | 36.2 | 12.7 | 17.8 |
| (inches) | (24) | (22) | (25) | (7⅙) | (14¼) | (5) | (7) |
| Size 6X | | | | | | | |
| Maximum dimension: | | | | | | | |
| Centimeters | 62.9 | 57.2 | 65.4 | 18.7 | 37.8 | 13.0 | 18.7 |
| (inches) | (24¾) | (22½) | (25¾) | (7⅞) | (14⅞) | (5⅙) | (7⅞) |

(ii) Note: Measure the dimensions on the front of the garment. Lay garment, right side out, on a flat, horizontal surface. Smooth out wrinkles. Measure distances as specified below and multiply them by two. Measurements should be equal to or less than the maximum dimensions given in the standards.

(A) Chest—measure distance from arm pit to arm pit (A to B) as in Diagram 1.

(B) Waist—See Diagram 1. *One-piece garment*, measure at the narrowest location between arm pits and crotch (C

to D). *Two-piece garment*, measure width at both the bottom/ sweep of the upper piece (C to D) and, as in Diagram 3, the top of the lower piece (C to D).

(C) Wrist—measure the width of the end of the sleeve (E to F), if intended to extend to the wrist, as in Diagram 1.

(D) Upper arm—draw a straight line from waist/sweep D through arm pit B to G. Measure down the sleeve fold from G to H. Refer to table below for G to H distances for each size. Measure the upper arm of the garment (perpendicular to the fold) from H to I as shown in Diagram 1.

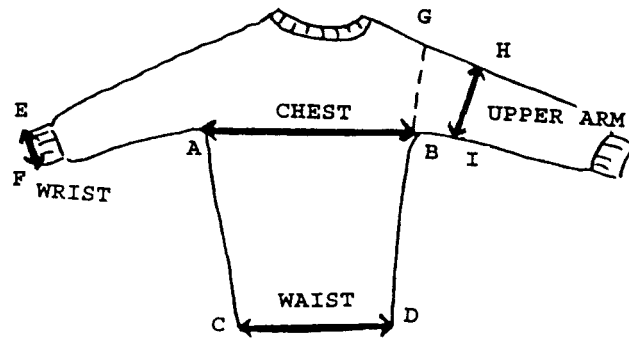


Diagram 1

DISTANCE FROM SHOULDER (G) TO (H) FOR UPPER ARM MEASUREMENT FOR SIZES 9 MONTHS THROUGH 6X

| 9–12 mo | 12–18 mo | 18–24 mo | 2 | 3 | 4 | 5 | 6 | 6x |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------|--------------|
| 5.8 cm 2 1/8" | 6.6 cm 2 5/8" | 7.4 cm 2 7/8" | 7.4 cm 2 7/8" | 8.1 cm 3 1/4" | 8.8 cm 3 1/2" | 9.5 cm 3 1/4" | 10.3cm 4" | 11 cm 4 3/8" |

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(E) Seat—Fold the front of the pant in half to find the bottom of the crotch at J as in Diagram 2. The crotch seam and inseam intersect at J. Mark point K on the crotch seam at 4 inches above and perpendicular to the bottom of the crotch. Unfold the garment as in Diagram 3. Measure the seat from L to M through K as shown.

(F) Thigh—measure from the bottom of the crotch (J) 1 inch down the inseam to N as in Diagram 2. Unfold the garment and measure the thigh from the inseam at N to O as shown in Diagram 3.

(G) Ankle—measure the width of the end of the leg (P to Q), if intended to extend to the ankle, as in Diagram 3.

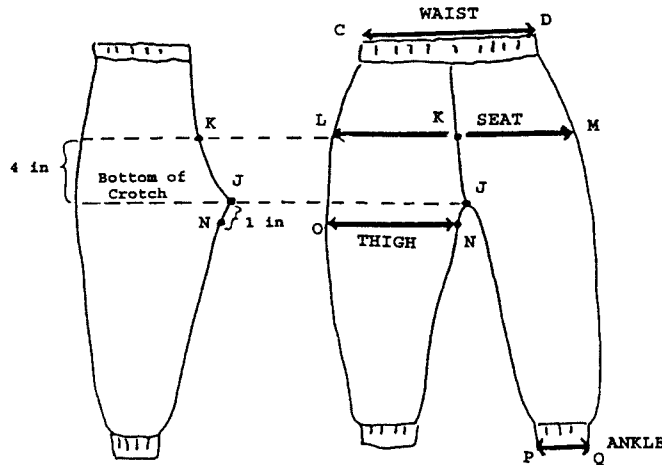


Diagram 2

Diagram 3

(2) Has no item of fabric, ornamentation or trim, such as lace, appliques, or ribbon, which extends more than 6 millimeters ($\frac{1}{4}$ inch) from the point of attachment to the outer surface of the garment;

(3) Has sleeves which do not exceed the maximum dimension for the upper arm at any point between the upper arm and the wrist, and which diminish in width gradually from the top of the shoulder (point G in Diagram 1) to the wrist;

(4) Has legs which do not exceed the maximum dimension for the thigh at

any point between the thigh and the ankle, and which diminish in width gradually from the thigh to the ankle;

(5) In the case of a one-piece garment, has a width which does not exceed the maximum dimension for the chest at any point between the chest and the waist and which diminishes gradually from the chest to the waist; and has a width which does not exceed the maximum dimension for the seat at any point between the seat and the waist and which diminishes gradually from the seat to the waist;

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(6) In the case of a two-piece garment has an upper piece with a width which does not exceed the maximum dimension for the chest at any point between the chest and the bottom of that piece and which diminishes gradually from the chest to the bottom of that piece; in the case of an upper piece with fastenings, has the lowest fastening within 15 centimeters (6 inches) of the bottom of that piece;

(7) In the case of a two-piece garment, has a lower piece with a width which does not exceed the maximum dimension for the seat at any point between the seat and the top of the lower piece and which diminishes gradually from the seat to the top of that piece;

(8) Complies with all applicable requirements of the Standard for the Flammability of Clothing Textiles (16 CFR part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611); and

(9) Bears a label stating the size of the garment in terms of age in months, or by child's size; for example: "Size 9 to 12 mos." or "Size 2." If the label is not visible to the consumer when the

garment is offered for sale at retail, the same information must appear legibly on the package of the garment.

(10)(i) *Hangtags*. Bears a hangtag as shown following this paragraph stating "For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire." The hangtag must measure $1\frac{1}{2}$ " \times $6\frac{1}{4}$ ". The text must be enclosed in a text box that measures 1 " \times $5\frac{3}{4}$ " and must be in 18 point Arial/ Helvetica font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1-1998, Safety Color Code, p.6, under Munsell Notation.² One side of the hangtag must display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag must be prominently displayed on the garment.

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment is more likely to catch fire.

(ii) *Packages*. If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would appear on the hangtag. The label must have a text box that measures $\frac{3}{4}$ " \times $3\frac{3}{4}$ ". The text must be 11 point Arial/

Helvetica in black lettering against a yellow background. The packages must be prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

²ANSI Z535.1-1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available from the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia

22209. This document is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

For child's safety, garment should fit snugly.
 This garment is not flame resistant.
 Loose-fitting garment is more likely to catch fire.

(11) Bears a label as shown following this paragraph stating "Wear Snug-fitting, Not Flame Resistant." The text must be printed on the front of the sizing label located on the center back of the garment and must be immediately below the size designation. The

text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

WEAR SNUG-FITTING
 NOT FLAME RESISTANT

Example in 10 pt Arial font

[40 FR 59903, Dec. 30, 1975, as amended at 43 FR 4853, Feb. 6, 1978; 50 FR 53307, Dec. 31, 1985; 61 FR 47644, Sept. 9, 1996; 64 FR 2838, Jan. 19, 1999; 64 FR 34533, 34535, June 28, 1999]

EFFECTIVE DATE NOTE 1: At 64 FR 34535, June 28, 1999, § 1615.1 was amended by adding paragraphs (o)(10) and (o)(11), effective June 28, 2000.

EFFECTIVE DATE NOTE 2: At 64 FR 48704, Sept. 8, 1999, § 1615.1 was amended by adding "Helvetica" after "Arial" in paragraphs (o)(10)(i) and (o)(10)(ii) and by removing and

replacing the illustrations at the end of paragraphs (o)(10)(i) and (o)(11), effective June 28, 2000. For the convenience of the user, the superseded text follows.

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* * * * *

(o) * * *

(10)(i) *Hangtags.* * * *

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For child's safety, garment should fit snugly.
 This garment is not flame resistant.
 Loose-fitting garment is more likely to catch fire.